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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,878	10/18/2001	Michael Eugene Willcox	RCA89524	6039

7590

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EXAMINER
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LU, SHIRLEY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/030,878

Applicant(s)

WILLCOX, MICHAEL EUGENE

Examiner

Shirley Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

a. Applicant argues on page 6, that the 'auxiliary data' as rejected by the office action 'are not the same thing' as that disclosed in applicant's specification.

The examiner recognizes that although 'auxiliary data' is mentioned in the specification on page 6, as including certain elements, the discussion is merely exemplary and is not intended to be an explicit definition of the term. Thus, the broadest reasonable interpretation of 'auxiliary data' is used.

b. Applicant argues on page 6, that 'Lazar does not provide any suggestion that such a reference should be combined with Stautner to arrive at the features of Claim 1 or claim 7.'

Examiner respectfully disagrees. First, Lazar and Stautner are in the same field of endeavor of multimedia advertising. Lazar's purpose is drawn to multimedia advertising where a user selects an item for purchase (e.g. see abstract). Stautner's purpose is also drawn to multimedia advertising where a user selects an item for purchase with a selectable icon (see fig. 2). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazar with Stautner so as to allow the user an integrated method for searching and finding content of interest. It should be noted that this modification would provide a visual icon to select his purchase. This modification is consistent with both references' intended purposes of multimedia advertising. The examiner also recognizes that Lazar modified by Stautner would require the use of a display system (see Stautner fig. 2). Examiner also

recognizes that the motivation to combine in this case from the knowledge generally available to one of ordinary skill in the art.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claim(s) 1-8 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazar (6477508) in view of Stautner et al. (6172677).**

As to claim 1,

Lazar discloses:

A method of remote shopping in a video system, said method comprising: receiving a television signal comprising auxiliary data associated with said television signal [6, 49-60].

sending pre-stored user information in the memory to the order center after establishment of the data connection for the purchase of at least one of a product and a service [10, 29-45].

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Lazar does not specifically disclose displaying in the video system a selectable purchase initiation icon for the purchase of at least one of a product and a service associated with said television signal in response to at least a portion of the auxiliary data; selecting the purchase initiation icon to initiate the purchase of the product or service; and establishing a data connection between the video system and an order center for the product or service.

Stautner discloses: displaying in the video system a selectable purchase initiation icon for the purchase of at least one of a product and a service associated with said television signal in response to at least a portion of the auxiliary data; selecting the purchase initiation icon to initiate the purchase of the product or service; establishing a data connection between the video system and an order center for the product or service (fig. 2; [6, 49-60]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazar with Stautner so as to allow the user an integrated method for searching and finding content of interest ([2, 64-67] to [3, 1-4]).

As to claim 2,

Lazar discloses:

the step of establishing a voice connection between the user and an agent of the order center [10, 29-45].

As to claim 3,

Stautner discloses:

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the step of establishing a data connection between the video system and an order center upon selection of the purchase initiation icon is accomplished with one of a modem, a two-way pager and a cell phone (fig. 2; [6, 49-60]; [7, 1-10]).

As to claim 4, Lazar discloses:

the step of showing a selectable purchase initiation icon along with the advertisement on the display in response to at least a portion of the auxiliary data is accomplished with an on-screen display unit (fig. 2; [6, 49-60]).

As to claim 5, Lazar discloses:

the step of permitting a user to select the purchase initiation icon to initiate purchase of a product or service in response to viewing the advertisement on the display is accomplished utilizing a remote controller of said video system (fig. 2; [6, 49-60]; [4, 54-56]).

As to claim 6,

Lazar discloses: sending of the user information [10, 29-49].

Stautner discloses: the step of: showing a status of the purchase of the product or service on the display during said steps of purchase initiation (fig. 2; the user may check the "check to buy" boxes in element 70, which thereby 'shows the status' of whether the item is being considered for purchase [5, 15-36]).

As to claim 7,

Although Lazar in view of Stautner does not specifically disclose muting audio of the television upon establishment of the voice connection between the user and the agent of the order center, the examiner gives Official Notice that it is notoriously well known in

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the art to mute audio of the television. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Lazar in view of Stautner to mute audio of the television upon establishment of the voice connection between the user and the agent of the order center, so as to allow the user to better clearly hear the operator during the transaction. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

As to claim 8,

Lazar discloses:

A television operable to provide remote shopping comprising:

- a) a selector operable to receive a television signal having an advertisement for a product or service and associated auxiliary information (fig. 1, elements 202, 206, 208; [10, 9-29]);
  - b) a processing unit (not shown in fig. 1B, microprocessor; [11, 20-36]);
  - c) a display operable to show the television signal and the advertisement (fig. 1, element 208; [10, 9-29]);
  - f) communication means operable to establish a data connection, download information, and establish a voice connection [10, 29-47];
  - g) memory in communication with said processing unit said memory containing user information entered during a set-up mode (memory (also not shown in FIG. 1B) of the Remote Unit [11, 20-36]; [12, 22-40]),
- 2) the communication means to download the user information upon

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establishment of a data connection between the television and an order location [10, 29-47];

3) the communication means to establish a voice connection between the user and an agent of the order location upon completion of the downloading of the user information [10, 29-47].

Although Lazar does not specifically disclose a 'selectable initiate purchase Icon,' Stautner discloses:

d) an on-screen display unit operable to produce a selectable initiate purchase icon on the display for the purchase of at least one of a product and a service of the advertisement in

response to the auxiliary information and in conjunction with the advertisement (fig. 2; [6, 49-60]);

e) a control system operable to allow a user to select the initiate purchase icon (fig. 2; [6, 49-60]);

and a plurality of instructions which, when executed by the processing unit causes:

1) the communication means to establish the data connection between the television and a remote order location upon the user selecting the initiate purchase icon to initiate a purchase transaction for the product or service of the advertisement (fig. 2; [6, 49-60]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazar with Stautner so as to allow the user an integrated method for searching and finding content of interest ([2, 64-67] to [3, 1-4]).



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**2. Claim(s) 10, 13 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazar (6477508) in view of Stautner et al. (6172677), and in further view of Grossman (6122346).**

As to claim 10,

Lazar in view of Stautner does not specifically disclose displaying a message indicating that said agent is available to speak to during said voice connection, wherein said message is displayed only when said agent is available.

Grossman discloses displaying a message indicating that said agent is available to speak to during said voice connection, wherein said message is displayed only when said agent is available [10, 54-67].

It would have been obvious to one of ordinary skill in the art to modify Lazar in view of Stautner's system to teach displaying a message indicating that said agent is available to speak to during said voice connection, wherein said message is displayed only when said agent is available, as taught by Grossman, so as to notify the consumer that the agent is available to undertake conversation.

As to claim 13, (see claim 10).

**3. Claim(s) 11-12, 14 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazar (6477508) in view of Stautner et al. (6172677), and in further view of Allport (6097441).**

As to claim 11,

Lazar in view of Stautner does not specifically teach Said auxiliary information complies with an Hypertext Markup Language format.

Allport discloses auxiliary information complies with an Hypertext Markup Language format ([1, 15-31]; [7, 59] to [8, 5]; [12, 11-45]).

It would have been obvious to one of ordinary skill in the art to modify Lazar in view of Stautner's system to teach said auxiliary information complies with an Hypertext Markup Language format, as taught by Allport, so as to allow effective separation of embedded data from the signal.

As to claim 12,

Lazar in view of Stautner does not specifically teach said auxiliary information is embedded in said television program signal.

Allport discloses said auxiliary information is embedded in said television program signal ([1, 15-31]; [7, 59] to [8, 5]; [12, 11-45]).

It would have been obvious to one of ordinary skill in the art to modify Lazar in view of Stautner's system to teach said auxiliary information is embedded in said television program signal, as taught by Allport, so as to allow effective separation of embedded data from the signal.

As to claim 14, (see claim 11).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

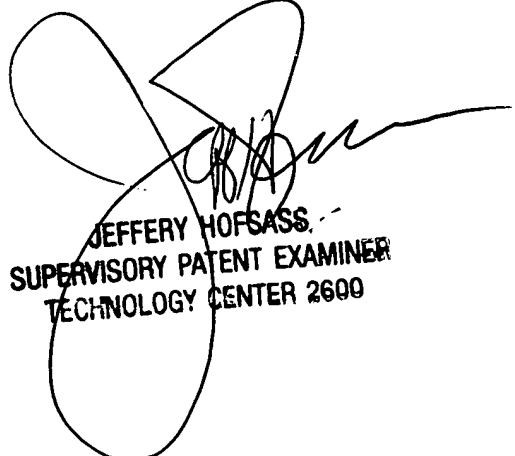
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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